

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2022-118-T

**Application of Merit Transit LLC for a
Class C (Non-Emergency) Certificate of
Public Convenience and Necessity for
Operation of a Motor Vehicle Carrier**

**PETITION TO INTERVENE, MOTION
TO RECONSIDER, and OBJECTION
OF
MYRIDE SC, LLC**

MyRide SC, LLC (“MyRide”) hereby petitions to intervene in the above referenced case pursuant to S.C. Code Reg. 103-825 and S.C. Code Ann. § 58-23-210 so it may move the Commission to reconsider or rehear its Order No. 2022-230 approving the application of Merit Transit, LLC (“Merit Transit”) for a Class C (Non-Emergency) Certificate of Public Convenience and Necessity (“Class C Certificate”) and object to its issuance. MyRide shows as follows in support of its petition.

1). MyRide is a South Carolina Limited Liability Corporation in good standing established to provide transportation services.

2). All correspondence in this matter should be directed to:

Charles L.A. Terreni
TERRENI LAW FIRM, LLC
1508 Lady St.
Columbia, S.C. 29201
Tel. 803 771 7228
charles.terreni@terrenilaw.com

David Swanner
MyRide SC, LLC
3454 Waccamaw Boulevard, Unit C
Myrtle Beach, SC 29579
Tel. 843 267 5455
Dave@MyRide-SC.com

3). On March 1, 2022, MyRide filed an application for a Class C (Non-Emergency) Certificate of Public Convenience and Necessity with the Commission to serve Horry,

Georgetown, Williamsburg, Marion, Dillon, Charleston, Berkeley, and Dorchester Counties, which is pending. *See* Docket No. 2022-88-T.

4). On March 14, 2022, Candace Burch filed a letter of protest in Docket No. 2022-88-T urging the Commission deny MyRide’s application based on the contention that there are “more providers than necessary to serve private facilities and the SCDHHS state-appointed broker.” The letter of protest is now being treated as a petition to intervene which is pending.

5). On March 15, 2022, Merit Transit, LLC (“Merit Transit”) applied for a Class C (Non-Emergency) Certificate of Public Convenience and Necessity with statewide authority and the Commission opened the above captioned docket.

6). As reflected on Merit Transit’s application, Candace Burch is the principal of that Applicant.

7). The Commission set no return date or intervention deadline in this docket.

8). The Commission may deny an application for a Class C Certificate “if an intervenor shows or if the Commission determines that the public convenience and necessity is being served already.” S.C. Code Ann. § 58-23-330.

9). Merit Transit’s application for a Class C (Non Emergency) certificate necessarily requires that the public convenience and necessity *is not* already being served throughout the State of South Carolina.

10). Yet, just one day before it filed its own application, acting through its principal officer, Merit Transit represented to the Commission that the public convenience and necessity *is* already being served in the counties EasyRide applied to serve.

11). The Commission voted to approve Merit Transit’s application on April 7, 2022 and issued its Order on April 19, 2022. Order No. 2022-230.

12). Merit Transit cannot have it both ways; either the public convenience and necessity is being served or it is not. Merit Transit should not be allowed to object to the application of a potential competitor because the public interest and convenience is not being served, and simultaneously apply for its own Class C Certificate.

13). MyRide therefore moves to reconsider Order No. 2022-230 and requests the Commission hold Merit Transit's application in abeyance until Merit Transit's objection to MyRide's application is resolved and the Commission determines whether the public convenience and necessity is already being served in Docket No. 2022-88-T.

14). If the Commission finds MyRide's application should be denied because the public convenience and necessity is already being served, it should also deny the application of Merit Transit. The market cannot be saturated in one case and underserved in the other. The two applications are inextricably related.

NOW THEREFORE:

MyRide requests this Commission grant the following relief:

- I. Grant MyRide intervention in this matter;
- II. Rescind its Order No. 2022-230 approving Merit Transit's application;
- III. Hold Merit Transit's application in abeyance until MyRide's application has been heard and ruled on with finality;
- IV. Also deny Merit Transit's application if the Commission denies MyRide's application because the public convenience and necessity are already being met;
- V. Grant such other relief as it deems just and proper.

Signature follows on next page

Respectfully submitted,

s/ Charlie Terreni

Date: April 28, 2022

Charles L.A. Terreni
TERRENI LAW FIRM, LLC
1508 Lady Street
Columbia, South Carolina 29201
Tel. (803) 771-7228
charles.terreni@terrenilaw.com
SC Bar. No. 15235